

Washington, Tuesday, January 31, 1939

Rules, Regulations, Orders

TITLE 26—INTERNAL REVENUE

UNITED STATES BOARD OF TAX APPEALS

AMENDMENTS TO THE RULES OF PRACTICE, FOURTEENTH EDITION, DATED JULY 1, 1938. TO BECOME EFFECTIVE ON AND AFTER FEBRUARY 1, 1939

RULE 6.—INITIATION OF A PROCEEDING— PETITION

Par. (h), as amended

(h) A verification by the petitioner; provided that where the petitioner is sojourning outside the United States or is a nonresident alien, the petition may be verified by a duly appointed attorney in fact, who shall attach to the petition a copy of the power of attorney under which he acts and who shall state in his verification that he acts pursuant to such power, that such power has not been revoked; that petitioner is absent from the United States, and the grounds of his knowledge of the facts alleged in the petition. As used herein the term "United States" includes only the States and the District of Columbia. A notary public is not authorized to administer oaths, etc., in matters in which he is employed as counsel. (See title 4. ch. 2, D. C. Code, and 26 Op. A. G. 236.)

The verification shall contain a statement that the fiduciaries signing and verifying have authority to act for the taxpayer.

Where the petitioner is a corporation, the person verifying shall state in his verification that he has authority to act for the corporation.

The signature and the verification to the petition shall be considered the certificate of those performing these acts that there is good ground for the petition, the proceeding has not been instituted merely for delay, and it is not frivolous.

RULE 7.—FILING OF PETITION

As amended

An original and four clear copies of the petition, either printed or typewritten as provided by rule 4, shall be filed with the Board. (See rule 9.) The copies of the petition shall be conformed to the original by the petitioner.

Failure to file a sufficient number of copies, as provided in this rule, or to conform to the requirements of rules 4, 5 and 8, shall be ground for the dismissal of the proceeding.

RULE 9.—FILING (NEW)

Any document to be filed with the Board, must be filed at the office of the Board in Washington, D. C., during business hours; provided, that a division hearing a proceeding may permit documents pertaining thereto to be filed at the hearing.

RULE 35.-BRIEFS

First paragraph, as amended

The parties should be prepared to make oral arguments at the conclusion of the hearing or to file written citations of authorities at that time if the case is one in which the presiding member might reasonably call for such. The filing of briefs and the making of oral arguments shall be in accordance with the directions of the member presiding at the hearing. If the member does not direct otherwise, each party shall have 45 days after the day on which the hearing was concluded within which to file a brief and either party may file a reply brief within 15 days after the filing of the original brief by his opponent. After a brief has been filed, the clerk will serve a copy upon the opposite party, unless the brief bears a notation that a copy has already been served.

[SEAL]

C. R. ARUNDELL, Chairman.

[F. R. Doc. 39-341; Filed, January 30, 1939; l 12:06 p. m.]

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Washington, D. C.

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TITLE 29—LABOR

WAGE AND HOUR DIVISION

PART 524.—REGULATIONS APPLICABLE TO EMPLOYMENT OF HANDICAPPED PERSONS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations—Part 524—(Regulations Applicable to Employment of Handicapped Persons pursuant to Section 14 of the Fair Labor Standards Act) is hereby issued. Said amendment to Part 524 amends Section 524.91 by extending the period of the temporary certificate of exemption provided therein from February 1, 1939 until April 1, 1939. Said amendment shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REG-ISTER, and shall be in full force and effect until repealed by regulations hereafter made and published by me.

Signed at Washington, D. C., this 30th day of January 1939.

> ELMER F. ANDREWS, Administrator.

It appearing that a substantial number of handicapped individuals are provided remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature in charitable organizations and institutions conducted not for profit but for the purpose of carrying out a recognized program for the rehabilitation of such individuals; and

It appearing advisable for the Administrator to give further consideration to the special problems affecting the employment of such handicapped individuals at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act; and

It being the intention of the Administrator to appoint an advisory committee to make recommendations with respect to permanent regulations and procedure providing for the employment of handicapped individuals in charitable organi-

¹3 F. R. 2485, 2508, 2670 DI.

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zations and institutions of the type described above at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act;

Therefore in view of the foregoing, the following regulation is hereby issued:

SECTION 524.91 Temporary certificate of exemption for handicapped individuals employed by certain charitable nonprofit institutions and organizations during period before normal procedure is in full operation. Notwithstanding any provision in Section 524.90 of Part 524 (providing a temporary certificate of exemption during period before normal procedure is in full operation), from October 24, 1938, to April 1, 1939, or such earlier date as the Administrator may after notice determine, this regulation shall be deemed to be a certificate authorizing charitable organizations and institutions conducted not for profit but for the purpose of carrying out a recognized program of rehabilitation for handicapped individuals and of providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature, to employ (or suffer or permit to work) handicapped individuals for such purposes at wage rates less than the minimum rate applicable under Section 6 of the Fair Labor Standards Act, subject to the following conditions:

(a) the earning capacity of the employee for the particular position held by him or for the work which he is suffered or permitted to do must be, or must be honestly believed by the employer to be, substantially impaired by age or physical or mental deficiency or injury:

(b) in no event shall the minimum wage paid any such handicapped individual during this period of temporary exemption be less than that proportion of the minimum wage applicable under Section 6 which the handicapped individual's earning capacity bears to the earning capacity of a non-handicapped

(Issued under the authority contained in Section 14, 52 Stat. 1060)

[F. R. Doc. 39-343; Filed, January 30, 1939; 12:12 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

AMENDMENT TO RULES AND REGULATIONS TO GOVERN THE OPERATION OF THE DRAWBRIDGES CROSSING ALL NAVIGABLE WATERWAYS OF THE UNITED STATES WITHIN THE STATE OF CALIFORNIA 1

Paragraph 8 of the rules and regulations to govern the operation of the

¹These regulations amend Title 33 of the Code of Federal Regulations.

terways of the United States within the State of California approved March 4, 1936, is hereby amended by inserting the following subparagraph:

NAPA RIVER

Southern Pacific Bridge at Brazos

1. The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance except when the swing span remains closed for the passage of railroad traffic. At all other times the swing span may remain in open position and unattended.

2. During foggy weather a bell shall be tolled continuously when the swing span is in open position.

Approved, January 11, 1939.

[SEAL]

HARRY H. WOODRING, Secretary of War.

[F. R. Doc. 39-325; Filed, January 28, 1939; 10:14 a. m.]

TITLE 36-PARKS AND FORESTS

NATIONAL PARK SERVICE

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

SUBSIDIARY REGULATION

The following subsidiary regulation, issued under the authority of the General Rules and Regulations approved by the Secretary of the Interior June 18, 1936 (1 F. R. 672), has been recommended by the Superintendent and approved by the Director of the National Park Service, and is in force and effect within the boundaries of George Washington Birthplace National Monument:

SEC. 15.60. Travel on roads. The following roads are open to travel during daylight hours only:

The road from the Monument Circle to and including the Mansion Grounds and utility area;

The Duck Hall Loop Road, except to patrons of the Log House Tea Room and the Picnic Grounds:

The parking loops at the Burial Grounds and River Shore.

Approved, January 20, 1939.

[SEAL]

ARNO B. CAMMERER.

Director.

[F. R. Doc. 39-323; Filed, January 28, 1939; 10:14 a. m.]

ROCKY MOUNTAIN NATIONAL PARK SUBSIDIARY REGULATIONS

The following subsidiary regulations, issued under the authority of the General Rules and Regulations approved by the Secretary of the Interior June 18, 1936 (1 F. R. 672), have been recommended by the Superintendent and approved by the Director of the

Rocky Mountain National Park:

Sec. 13.35. (a) Fires. The building of fires for any purpose on or along park roads, except in designated areas, is prohibited.

(b) Fishing.—(1). The open season for fishing shall be from May 25 to October 31, inclusive, except that in lakes having an elevation of 7,500 feet or more the open season shall be from June 10 to September 30, inclusive.

(2) No fishing is permitted between the hours of 8:30 P. M. and 4:00 A. M.

(3) The use of seines, throw lines, set lines, or any other method of catching fish, except by rod and line held in the hand, is prohibited.

(4) The use of minnows or small fish of any kind or type as a live bait for fish is prohibited, and the release or freeing thereof in any of the park waters without permission of the Superintendent will be construed as a violation of this regulation.

(5) Fifteen (15) fish (not exceeding a total of 10 pounds) shall constitute the limit for one day's catch. The possession of more than one day's catch by any person at any one time shall be construed as a violation of this regulation.

(6) All fish hooked less than seven inches long shall be carefully handled with moist hands and returned at once to the water if not seriously injured.

(7) Fishing in rearing ponds or other posted waters is prohibited.

(8) The following lakes and streams are closed to fishing:

Hidden Valley Creek, between the Trail Ridge Road and the Horseshoe Park-Deer Ridge Road.

Cabin Creek from its source to the park boundary.

Mill Creek from its source to its junction with Glacier Creek.

Spruce Lake.

Bear Lake.

Emerald Lake.

(c) Travel on roads and trails. Travel on the Fall River Road is limited to one-way travel from Chasm Falls to Fall River Pass.

(d) Camping .- No person, party, or organization shall be permitted to camp in the park more than thirty days in any calendar year.

(e) Repeal.—All previous subsidiary regulations for Rocky Mountain National Park (36 CFR 13.35) are hereby repealed.

Approved, January 20, 1939.

[SEAL]

ARNO B. CAMMERER.

Director.

[F. R. Doc. 39-321; Filed, January 28, 1939; 10:13 a. m.]

YOSEMITE NATIONAL PARK SUBSIDIARY REGULATIONS

The following subsidiary regulations,

drawbridges crossing Al navigable wa- and effect within the boundaries of eral Rules and Regulations approved by the Secretary of the Interior June 18, 1936 (1 F. R. 672), have been recommended by the Superintendent and approved by the Director of the National Park Service, and are in force and effect within the boundaries of Yosemite National Park:

> SEC. 13.55 (a) Fishing. (1) Open season.—June 1 to October 15, inclusive.

> (2) Open and closed waters.—The waters of Lake Eleanor and its tributaries for a distance of one mile from the lake are closed to fishing. All other lakes and streams are open to fishing.

(3) Limit of catch.—The number of fish that may be taken by any one person in any one day shall not exceed 20 fish, or 10 pounds and 1 fish, except that the number of golden trout which. may be taken by any one person in any one day shall not exceed 10. Possession of more than one day's catch limit by any person at any one time shall be construed as a violation of this regulation.

(b) Travel on roads.—(1) Entrance roads.-Automobiles, trucks, and other vehicles permitted in the park may enter and leave by the several entrances only during the hours specified in the following schedule, except that during construction activities or other emergencies the Superintendent shall prescribe such hours as in his judgment are necesary for the protection of the public:

All-Year Highway.—Entrance at Arch Rock open 5:00 A. M. to 12:00 Midnight every day of the year;

Wawona Road.—South entrance open 6:00 A. M. to 12:00 Midnight between May 30 and August 31, and from 6:00 A. M. to 9:30 P. M. between September 1 and May 29. (Travel season, entire year, except during periods of heavy snow in winter.)

Chowchilla Mountain Road-Chowchilla Mountain entrance open 6:00 A. M. to 9:30 P. M. (Travel season, May to about October 15.)

Big Oak Flat Road.—Tuolumne Grove entrance open for incoming traffic from 6:00 A. M. to 8:30 P. M., and for outgoing traffic from 6:00 A. M. to 9:30 P. M. Incoming traffic at Crane Flat, 6:00 A. M. to 9:00 P. M.; outgoing traffic, 6:00 A. M. to 9:30 P. M. Controls are maintained between El Capitan checking station and Gentry. Outbound cars leave on the even hours beginning at 6:00 A. M. Inbound cars leave Gentry on the odd hours beginning at 7:00 A.M. The outbound control will close at 8:25 P. M. The inbound control will close at 9:25 P. M. (Travel season, about May 1 to October

Coulterville Road .-- Merced Grove entrance open 6:00 A. M. to 9:30 P. M. During construction activities, one-way traffic control may be maintained on the grade between the floor of Yosemite Val-National Park Service, and are in force issued under the authority of the Gen-ley and the summit near Big Meadows

Tioga Road—Aspen Valley and Tioga Pass entrances open 6:00 A. M. to 9:30 P. M. (Travel season, about July 1 to Prong. October 1.)

Road to Hetch Hetchy Dam.—Mather Ranger Station entrance open 6:00 A. M. to 9:30 P. M. (Travel season, about May 1 to October 15.)

- (2) Closed roads.-The road between Hetch Hetchy Dam and Lake Eleanor is closed to all motor vehicle travel, except vehicles belonging to the United States Government, the State of California, or the City of San Francisco, California.
- (3) Speed.—Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 25 miles per hour on the Tioga Road between McSwain Meadows and Cathedral Creek.
- (c) Camping.—Quiet shall be maintained at all camps between 10:00 P. M. and 6:00 A. M.
- (d) Dogs and cats.—Dogs and cats may be transported over through roads provided they are confined to a car while within the park. Dogs and cats are not permitted to be kept in the park over night.
- (e) Repeal.—All previous subsidiary regulations for Yosemite National Park (CFR 13.55) are hereby repealed.

Approved, January 20, 1939. [SEAL]

ARNO B. CAMMERER,

Director.

[F. R. Doc. 39-322; Filed, January 28, 1939; 10:13 a. m.]

GREAT SMOKY MOUNTAINS NATIONAL PARK

SUBSIDIARY REGULATIONS

The following subsidiary regulations, issued under the authority of the Rules and Regulations approved by the Secretary of the Interior June 18, 1936 (1 F. R. 672), have been recommended by the superintendent and approved by the Director of the National Park Service, and are in force and effect within the boundaries of Great Smoky Mountains National Park:

SEC. 13.20 (a) Fishing; open and closed waters. The following waters and no others are open for fishing. All streams other than those listed below are closed for purposes of protection and restocking. Main streams only of waters listed are open; all tributaries thereof are closed:

(1) Tennessee section of the park-

Cosby Creek below Dry Branch.

Middle Prong Little Pigeon River below Buck Fork.

Porters Creek below Boulevard Prong. Roaring Fork below Enloe Hollow Branch.

West Prong, Little Pigeon River, below Alum Cave Creek.

Fish Camp Prong below Goshen

Meigs Creek.

West Prong Little River below Long Cove Branch.

Laurel Creek below Bote Mountain Road Crossing.

Forge Creek below Ekaneetlee Creek.

(2) North Carolina section of the

Big Creek below Rocky Branch. Cataloochee Creek, below Rough Fork. Palmer Creek below Lost Bottom Creek. Caldwell Fork below McKee Branch. Oconalufty River. .

Straight Fork below Balsam Corner

Bradley Fork below Chasm Prong. Left Fork Oconalufty River below Kephart Prong.

Kephart Prong below the upper falls. Raven Fork below the Qualla Indian Reservation.

Oconalufty River below Bradley Fork. Deep Creek below the Forks.

Left Fork of Deep Creek below Hermit Branch.

Forney Creek below Huggins Creek. Bear Creek below Poplar Flats. All waters of Hazel Creek.

Twentymile Creek below Greer Branch. Moore Spring Branch below Dalton

- (b) Same: open season.-Trout, May 16 to August 31, inclusive; rock bass and small-mouthed bass, June 16 to August 31. inclusive. Fishing is permitted only between the hours of 5:00 A. M. and 6:30 P. M., Central Standard Time, for the Tennessee section of the park; and between 6:00 A. M. and 7:30 P. M., Eastern Standard Time, for the North Carolina section of the park. Both hours mentioned are of the same day.
- (c) Same: restrictions as to use of bait. — Fishing is permitted only with artificial bait with but one hook. Two or more artificial flies may be attached to the leader if desired. The use of other than artificial bait is prohibited.
- (d) Same; size limit.—Brook trout and rock bass under 6 inches in length, rainbow trout under 8 inches in length, and small-mouthed bass under 10 inches in length, shall not be retained unless seriously injured in catching.
- (e) Same; limit of catch.—The maximum catch in any one day and the maximum number in possession shall be 10 fish of any or all species, except that the limit for small-mouthed bass is 5 fish per day or in possession. All fish of legal size must be retained as part of the creel. All undersized fish not seriously injured shall be immediately and carefully returned to the water. All undersized fish retained because of serious injury in catching shall constitute part of the total catch limit.
- (f) Same; fishing license.-The park as such makes no charge for a fishing license, but persons fishing in waters therein must have the State license is-

Little River below Meigs Post Prong. | sued and required by Tennessee, or the State or County license issued and required by North Carolina, depending upon the section of the park being fished.

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(g) Fires.—The building of fires for any purpose on or along park roads, except in designated camp grounds and picnic areas, is prohibited.

(h) Speed.—Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 35 miles per hour on highways. On secondary roads, posted as such, speed is limited to 20 miles per hour on straight sections, and 15 miles per hour on curves.

(i) Passenger trucks.—Trucks used for hauling passengers over park roads shall be provided with sufficient seats to accommodate all passengers, who shall remain seated while trucks are in motion.

(j) Camping.—(1) Camping is prohibited within a radius of one-half mile of the tower on Clingmans Dome.

(2) Camping within one-eighth mile of any open public road, except at designated public camp grounds, is prohibited.

(3) No camp shall be placed within 25 feet of any spring or stream.

(k) Repeal.-All previous local subsidiary regulations for Great Smoky Mountains National Park are hereby repealed.

Approved, January 23, 1939.

[SEAL]

ARNO B. CAMMERER, Director.

[F. R. Doc. 69-320; Filed, January 28, 1939; 10:13 a. m.]

TITLE 43—PUBLIC LANDS

OFFICE OF SECRETARY OF IN-TERIOR, DIVISION OF GRAZING

ARIZONA GRAZING DISTRICT No. 3 MODIFICATION

JANUARY 23, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, the Departmental order of July 14, 1938, establishing Arizona Grazing District No. 3, is hereby modified to include within its exterior boundaries the following-described land:

ARIZONA

Gila and Salt River Meridian

T. 2 S., R. 19 W. (unsurveyed), secs. 28, 32,

T. 2 S., R. 19 W. (unsurveyed), secs. 28, 32, and 33;
T. 4 S., R. 19 W. (unsurveyed), secs. 4, 9, 16, 21, 28, and 33;
T. 5 S., R. 19 W. (unsurveyed), secs. 4, 9, 16, 21, 28, and 33.

The Federal Range Code, revised to August 31, 1938, shall be effective as to the land embraced within this addition from and after the date of the publica-

13 F.R. 2100 DI.

tion of this order in the Federal Register.

HARRY SLATTERY, Acting Secretary of the Interior.

[F. R. Doc. 39-324; Filed, January 28, 1939; 10:14 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

THE NATIONAL ARCHIVES

REGULATIONS GOVERNING THE USE OF RECORDS IN THE CUSTODY OF THE AR-CHIVIST OF THE UNITED STATES

Pursuant to the authority vested in the Archivist of the United States by the Act to establish a National Archives of the United States Government, and for other purposes, approved June 19, 1934 (48 Stat. 1122–1124), I, R. D. W. Connor, Archivist of the United States, hereby promulgate the following regulations, supplementary to those promulgated by me on December 18, 1936 (1 Federal Register 2172), governing the use of records in my custody.

- 1. Effective February 1, 1939, the Central and East Search Rooms will be kept open, in addition to the hours previously in effect, from 4:30 p. m. to 7:00 p. m. Mondays to Fridays inclusive and from 1:00 p. m. to 5:00 p. m. on Saturdays, exclusive of legal holidays. Records may be consulted after regular office hours only in these search rooms.
- 2. Descriptions of records or books to be used during the hours stated above must be given to the attendant at the Central Search Room desk in person, in writing or by telephone not later than 3:00 p. m. Mondays to Fridays inclusive and 11:30 a. m. on Saturdays. Persons entering or leaving the building after 4:30 p. m. Mondays to Fridays inclusive and 1:00 p. m. on Saturdays will be required to sign the register on the guard's desk in the Pennsylvania Avenue lobby.

R. D. W. CONNOR, Archivist of the United States. January 28, 1939.

[F. R. Doc. 39-335; Filed, January 30, 1939; 10:23 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-2]

ORDER IN THE MATTER OF MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 27th day of January, A. D. 1939.

Upon further consideration of the rec-

Upon further consideration of the record in the above-entitled proceeding and good cause therefor appearing,

It is ordered, That the order of July 12, 1938, be, and it is hereby, vacated and set aside in so far as it adopts and prescribes regulations applicable to common and contract carriers of property and their employees, and prescribes regulations requiring the maintenance of a driver's log by common and contract carriers of passengers;

It is further ordered, That the rules and regulations printed as the appendix to the report of even date herewith and a part hereof be, and they are hereby, approved, adopted, and prescribed effective March 1, 1939, and shall be observed by common and contract carriers subject to the Motor Carrier Act, 1935;

And it is further ordered, That the order of July 12, 1938, in so far as it adopts and prescribes rules and regulations governing common and contract carriers of passengers and their employees in said proceeding, except to the extent above vacated, be, and it is hereby, vacated and set aside, effective March 1, 1939.

By the Commission.

[SEAL]

W. P. Bartel, Secretary.

APPENDIX—REGULATIONS EFFECTIVE MARCH
1, 1939

Rule 1

As used in these regulations:

- (a) The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Commission, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.
- (b) The term "driver" means any individual who drives in transportation in interstate or foreign commerce any motor vehicle as defined in paragraph (a) above.
- (c) A driver is on duty from the time he begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. Time spent by a driver resting or sleeping in a berth as defined in paragraph (g) of this rule shall not be included in computing time on duty.
- (d) The term "drive or operate" includes all time spent on a moving vehicle and any interval not in excess of 10 minutes in which a driver is on duty but not on a moving vehicle. It does not include time spent resting or sleeping in a berth as defined in paragraph (g) of this rule.
- (e) The term "week" means any period of 168 consecutive hours beginning at the time the driver reports for duty, as defined in paragraph (c) of this rule.

(f) The term "24 consecutive hours" means any such period starting at the time the driver reports for duty, as defined in paragraph (c) of this rule.

(g) The term "berth" means a berth or bunk on the motor vehicle which is properly equipped for the purpose of sleeping, including springs and a mattress, or an inner-spring mattress, pillow, adequate bed clothing, adequate ventilation, and ready means of entering and leaving the berth.

(h) Where any other terms used in these regulations are defined in section 203 (a) of the Motor Carrier Act, 1935, such definitions shall be controlling. Where terms are used in the regulations which are neither defined herein nor in said section 203 (a), they shall have the ordinary practical meaning of such terms.

Rule 2

Every motor carrier and his or its officers, agents, employees, and representatives shall comply with the following regulations, and every such motor carrier shall require that his or its officers, agents, employees, and representatives shall be conversant with these regulations.

Rule 3

- (a) No carrier subject to these regulations shall permit or require any driver in his employ to remain on duty, as defined in paragraph (c) of rule 1, for a total of more than 60 hours in any week, as defined in paragraph (e) of rule 1; provided, however, that carriers operating vehicles on every day of the week may permit drivers in their employ to remain on duty for a total of not more than 70 hours in any period of 192 consecutive hours.
- (b) Except under conditions set forth in Rule 6 (a) and (b) hereof, no carrier subject to these regulations shall permit or require a driver in his employ to drive or operate for more than 10 hours in the negregate in any period of 24 consecutive hours, unless such driver be off duty for 8 consecutive hours during or immediately following the 10 hours aggregate work and within said period of 24 consecutive hours; provided, however, that two periods of resting or sleeping in a berth, as defined in paragraph (g) of Rule 1, may be cumulated to give the aforesaid total of 8 hours off duty.

Rule 4

No carrier subject to these regulations if himself a driver shall remain on duty or drive for longer periods than those prescribed in rule 3 hereof for employed drivers.

Rule 5

Each carrier subject to these regulations shall require that a driver's log in duplicate shall be kept by every driver in his employ who operates a motor vehicle engaged in transportation in interstate or foreign commerce, and, if himself an owner-driver, shall keep such a log. Entries in said driver's log shall be made

¹³ F. R. 1875 DL

by the driver, and shall show the place of origin and destination of the trip, the times of reporting for duty and of going off duty, the periods of driving or operaing and other work, and any other information found desirable; provided, however, that the foregoing provisions of this rule shall not apply to drivers engaged in the transportation of passengers or property in interstate or foreign commerce wholly within a municipality or between contiguous municipalities.

Each carrier shall make monthly reports to the Bureau of Motor Carriers, Interstate Commerce Commission, Washington, D. C., prior to the fifteenth day of each succeeding month, of every instance where a driver has been required or permitted to be on duty or to drive or operate for hours in excess of those prescribed by these regulations, and shall fully explain the reasons for and circumstances surrounding such violations. Such reports shall be in writing and sworn to.

Rule 6

(a) In case of snow, sleef, fog, or other adverse weather conditions, or in case the highways are covered with snow or ice, or of unusual adverse road and traffic conditions, a driver may be permitted and required to drive or operate a motor vehicle for not more than 12 hours in the aggregate in any period of 24 consecutive hours in order to complete his run, without being off duty for a period of 8 consecutive hours as provided by rule 3, and this longer period of driving is permitted even though conditions named herein are known to the employer before the trip is begun.

(b) If a driver is permitted or required under the provisions of subdivision (a) of this rule to drive in excess of 10 hours in the aggregate in any 24-hour period without being off duty for a period of 8 consecutive hours during or immediately following the period of 10 hours driving and within said period of 24 consecutive hours, a report must be made immediately to the Commission, addressed to the district office of the Bureau of Motor Carriers of the district in which the carrier's headquarters is located, and such report shall contain a full and correct statement of the conditions which necessitated the longer period of driving.

(c) In case of any emergency a driver may complete his run without being in violation of the provisions of these regulations, if such run could reasonably have been completed without such violation.

Rule 7

These regulations shall not apply to any carrier subject thereto when transporting passengers or property to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster.

[F. R. Doc. 39-344; Filed, January 30, 1939; 12:15 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administra-

[Docket No. A-86-1 O-86-1]

NOTICE OF REOPENING OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA

Whereas, pursuant to Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture held a public hearing at Omaha, Nebraska, on the 15th day of December 1938, in connection with a proposed marketing agreement and proposed order regulating the handling of milk in the Omaha-Council Bluffs Marketing Area: and

Whereas, the Secretary has determined to reopen said hearing;

Now, therefore, notice is hereby given that the aforesaid hearing will be reopened on February 1, 1939, at 10:00 a.m., c. s. t., in the Post Office Building, Omaha, Nebraska, for the purpose of receiving (a) additional evidence as to the necessity for an increase in the prices of milk to producers because of the recent enactment of certain sanitary regulations, and (b) other evidence relating to general economic conditions affecting the handling of milk in the marketing area.

Copies of the proposed marketing agreement and the proposed order may be inspected at or procured from Room 0316, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Dated January 28, 1939.

[F. R Doc. 39-326; Filed, January 28, 1939; 12:24 p. m.]

[Docket No. A-87-1 O-87-1]

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 3, AS AMENDED, REGULATING HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

Whereas, under section 8c of Title I of Public Act No. 10, 73d Congress, as amended, the Secretary of Agriculture, hereinafter called the Secretary, issued an order regulating the handling of milk in the St. Louis, Missouri, Marketing Area, effective February 1, 1936, which order was amended effective April 17, 1936, and April 1, 1937; and

¹3 F. R. 2871 DI.

Whereas, the Secretary tentatively approved a marketing agreement regulating the handling of milk in the said area on December 10, 1935, amendments to which tentatively approved marketing agreement were tentatively approved on March 30, 1936, and on March 16, 1937; and

Whereas, the Sanitary Milk Producers has proposed certain amendments to said order, as amended, and to said tentatively approved marketing agreement, as amended; and

Whereas, the Secretary held a public hearing in connection with certain proposed amendments to said marketing agreement, as amended, and said order, as amended, at the Chase Hotel, St. Louis, Missouri, on December 14 and 17, 1938; ¹ and

Whereas, after said hearing certain amendments have been formulated and proposed to the Secretary; and

Whereas, the Secretary has determined to reopen said hearing (1) for the purpose of receiving additional evidence as to (a) redefining the marketing area to coincide with that portion of the present marketing area which must now be supplied with milk of such quality as to meet the requirements of a health ordinance similar to those of the United States ordinance relative to milk, (b) revising the classification of milk, (c) revising the minimum prices provided in said marketing agreement, as amended, and said order, as amended, (d) clarifying the method of computation of the value of milk of each handler, (e) making changes in the wording of said marketing agreement, as amended, and said order, as amended, for the purpose of affording more effective administration, thereof, and (f) changing any other provisions of said marketing agreement, as amended, and said order, as amended; and (2) for the purpose of providing all persons with an opportunity to present oral arguments for or against said proposed amendments;

Now, therefore, notice is hereby given of the reopening of said hearing at the Chase Hotel, St. Louis, Missouri, at 10:00 a. m., c. s. t., February 2, 1939.

This public hearing is held (1) for the purpose of receiving additional evidence as to the necessity for (a) redefining the marketing area to coincide with that portion of the present marketing area which must now be supplied with milk of such quality as to meet the requirements of a health ordinance similar to those of the United States ordinance relative to milk, (b) revising the classification of milk, (c) revising the minimum prices provided in said marketing agreement, as amended, and said order, as amended, (d) clarifying the method of computation of the value of milk of each handler, (e) making changes in the wording of said marketing agreement, as amended, and said order, as amended, for the purpose of

¹3 F. R. 2901 DI.

affording more effective administration | tions or orders for the employment of | standard time) in Room 859, Federal thereof, and (f) changing any other provisions of said marketing agreement, as amended, and said order, as amended; and (2) for the purpose of providing all persons with an opportunity to present oral arguments for or against said proposed amendments.

Copies of the order and of the marketing agreement, as they would read should said amendments be made effective, may be inspected in or procured from Room 0316, South Building, United States Department of Agriculture, Washington. D. C.

[SEAL]

H. A. WALLACE, Secretary of Agriculture. Dated January 27, 1939.

[F. R. Doc. 39-327; Filed, January 28, 1939; 12:24 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION DENYING APPLICATIONS FOR PERLUSSION TO EM-PLOY LEARNERS IN THE THROWING IN-DUSTRY AT WAGES LOWER THAN APPLI-CABLE MINIMUM SPECIFIED

Whereas, the Throwsters Research Institute and sundry other parties, pursuant to Part 522 (Regulations Applicable to Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act of 1938) have made application for permission to employ learners in the throwing industry at wages lower than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a hearing on said application was held before Merle D. Vincent, the representative of the Administrator of the Wage and Hour Division, duly authorized to hear and determine what if any occupations in the textile industry require a learning period, and whether it is necessary in order to prevent curtailment of opportunities for employment to provide for the employment of persons in occupations requiring a learning period at wage rates lower-than the minimum wage applicable under Section 6 of the Fair Labor Standards Act, and, if such necessity were found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service; and

Whereas, following such hearing, the said Merle D. Vincent duly made his findings of fact and determined as follows:

(a) That it is not necessary, in order to prevent curtailment of opportunities for employment, to provide by regulalearners in the throwing industry at Building, Detroit, Michigan. wages lower than the minimum wage applicable under Section 6; and

(b) That the Administrator is therefore not authorized by Section 14 of the Act to provide by regulations or orders for the employment of learners in the throwing industry at wages lower than the minimum wage applicable under Section 6 of the Act

and on the basis thereof denied the applications; and

Whereas, said Findings and Determination were duly filed with the Administrator on January 25, 1939, and are now on file in his office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, Therefore, pursuant to the provisions of Section 522.9 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the Fro-ERAL REGISTER, file a petition with the Administrator requesting that he review the determination of the said representative.

day of January 1939.

ELMER F. AMDREWS. Administrator.

[F. R. Doc. 39-342; Filed, January 30, 1939; 12:12 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1939.

Commissioners: Robert E. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Avres.

[Docket No. 3173]

IN THE MATTER OF GENERAL MOTORS COR-PORATION, AND GENERAL MOTORS SALES CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U.S. C. A., Section 41),

It is ordered, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Trade Commission, held at its office in in the forenoon of that day (eastern 26th day of January, A. D. 1939.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON. Secretary.

[F. R. Dec. 39-329; Filed, January 30, 1939; 9:34 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Avres.

[Docket No. 3231]

Signed at Washington, D. C., this 30th In the Matter of James T. Jarrell. TRADING AS STANDARD BUSINESS TRAIN-ING INSTITUTE

> ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

> This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S. C. A., Section 41).

> It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

> It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 3, 1939, at ten o'clock in the forencon of that day (eastern standard time) in Room 209, Federal Building, Buffalo, New York.

> Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 39-330; Filed, January 30, 1939; 9:34 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Tuesday, February 21, 1939, at ten o'clock the City of Washington, D. C., on the

¹3 F. R. 2484 DL

Chairman: Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3497]

IN THE MATTER OF K & S SALES COMPANY, A CORPORATION AND MRS. FANNYE COHN, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U.S.C. A., Section 41),

It is ordered, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 15, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-331; Filed, January 30, 1939; 9:35 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1939.

Commissioners: Robert E. Freer. Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

· [Docket No. 3571]

IN THE MATTER OF MCKINLEY-ROOSEVELT COLLEGE OF ARTS AND SCIENCES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U.S.C.A., Section 41).

It is ordered. That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Trade Commission, held at its office in curities Exchange Act of 1934, as

in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-332; Filed, January 30, 1939; 9:35 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Avres.

[Docket No. 3601]

IN THE MATTER OF CENTURY METALCRAFT CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 17, 1939, at ten o'clock in the forencon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-333; Filed, January 30, 1939; 9:36 a. m.]

United States of America-Before Federal Trade Commission

At a regular session of the Federal

Commissioners: Robert E. Freer, | Monday, February 13, 1939, at ten o'clock | the City of Washington, D. C., on the 26th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A.

[Docket No. 3621]

In the Matter of Jack King, Alias Orris DEMATTEIS, AN INDIVIDUAL TRADING AS ARTISTIC TAILORING COMPANY, AND AR-TISTIC UNIFORM & TAILORING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, February 27, 1939, at ten o'clock in the forenoon of that day (central standard time) in Chamber of Commerce Building, 727 Minnesota Avenue, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 39-334; Filed, January 30, 1939; 9:36 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January 1939.

IN THE MATTER OF BERNARD B. GROSS. 1346 BRYN MAWR AVENUE, CHICAGO, ILLINOIS

ORDER REVOKING REGISTRATION

Bernard B. Gross, hereinafter sometimes called the registrant, being registered as a broker and dealer under Scction 15 (b) of the Securities Exchange Act of 1934, as amended; and

The Commission, on December 17, 1938, having ordered proceedings on the question of revocation and/or suspension of registration of the said registrant. pursuant to Section 15 (b) of the Se-

amended; the said matter, after appropriate notice, having come on for hearing on January 17, 1939 in Chicago, Illinois: the said registrant having consented in writing to the revocation of his registration; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration hereby revoked.

By the Commission.

[SEAT.]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-338; Filed, January 30, 1939; 11:17 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of January 1939.

IN THE MATTER OF WARREN-FRANKLIN CORPORATION, SUITE 1409, 75 EAST WACKER DRIVE, CHICAGO, ILLINOIS

ORDER REVOKING REGISTRATION

Warren-Franklin Corporation, a corporation sometimes hereinafter called the registrant, being registered under Section 15 (b) of the Securities Exchange Act of 1934, as amended; and

The Commission, on December 17, 1938, having ordered proceedings on the question of revocation and/or suspension of registration of the said registrant pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; the said matter, after appropriate notice, having come on for hearing on January 17, 1939 in Chicago, Illinois; the said registrant having consented in writing to the revocation of its registration; and the Commission having duly considered the matter and being fully advised in the premises;

It is ordered, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Warren-Franklin Corporation be and the same is hereby revoked.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-337; Filed, January 30, 1939; 11:17 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1939.

No. 20---2

[File No. 2-2022]

IN THE MATTER OF BREEZE CORPORATIONS, Inc.

ORDER CONSENTING TO WITHDRAWAL OF CER-TAIN AMENDMENTS, FIXING EFFECTIVE DATE OF AMENDMENTS TO REGISTRATION STATELIENT AND DECLARING STATEMENT AMENDED IN ACCORDANCE WITH STOP

This matter coming on to be heard by of Bernard B. Gross be and the same is the Commission upon the registration statement filed by Breeze Corporations, Inc. of Newark, New Jersey, on November 10, 1936, and upon amendments to said registration statement filed by said registrant on November 28, and December 14 and 24, 1936, January 8 and 22, 1937, June 22, July 21, October 3, November 23, and December 8, 1938;

It is declared, That said registration statement has been amended in accordance with the Stop Order issued on August 5, 1938.1

It is ordered, That said Stop Order shall cease to be effective,

It is further ordered, That the amendments filed July 21 and December 8, 1938, shall become effective on January 27, 1939, and the amendments filed June 22. October 3 and November 23, 1938 shall be withdrawn in accordance with the request of Registrant filed as a part of the amendment on December 8, 1938.

Attention is directed to Rules 800 (b) and 970 of the General Rules and Regulations, relating, respectively, to the requirements for the filing of twenty copies of the actual prospectus used and statement of price at which securities were actually offered.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933 .which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section."

By direction of the Commission.

FRANCIS P. BRASSOR, [SEAL] Secretary.

[F. R. Doc. 39-340; Filed, January 30, 1939; 11:18 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its

¹3 F. R. 1958 DL

office in the City of Washington, D. C., on the 28th day of January, A. D. 1939.

[File Nos. 31-433, 31-432]

IN THE MATTER OF YORK RAILWAYS COM-PANY AND EDISON LIGHT AND POWER COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATIONS

Upon the request of York Railways Company and Edison Light and Power Company for withdrawal of their respective Applications, filed under Section 2 (a) (8) of the Public Utility Holding Company Act of 1935, asking for declarations that York Railways Company and Edison Light and Power Company and other subsidiary companies of York Railways Company are not subsidiary companies of NY PA NJ Utilities Company, Associated Gas and Electric Corporation, and Associated Gas and Electric Company, the Commission consents to the withdrawal of such Applications, and to that effect

It is so ordered. By the Commission.

FRANCIS P. BRASSOR, [SEAL]

Secretary.

[F. R. Doc. 39-339; Filed, January 20, 1939; 11:17 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1939.

[File No. 56-20]

IN THE MATTER OF ENGINEERS PUBLIC SERVICE COMPANY

HOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 12 (d), 12 (f) and 12 (c) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on February 13, 1939, at ten o'clock in the forencon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearingroom clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing | dend preferred stock and 75,000 shares | ings in such matter. The officer so from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 8, 1939.

The matter concerned herewith is in regard to:

(1) An application by Engineers Public Service Company, a registered holding company, pursuant to Sections 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-12D-1 and U-12F-1 promulgated thereunder, for permission to make tender of a portion of \$1,500,000 principal amount of First Mortgage and Refunding Bonds, Series A, 5½%, due February 1, 1960, of The Western Public Service Company, a public utility company. Said bonds will be tendered at a price of not less than 80 or more than the then current over-the-counter price thereof. The bonds are secured by a certain indenture of mortgage to The Chase National Bank, or the City of New York, and Carl E. Buckley, Trustees, dated February 1, 1930.

It is stated that Engineers Public

Service Company owns \$1,500,000 principal amount of said bonds out of a total of \$5,409,000 principal amount outstanding. It is also stated that by the terms of the indenture of mortgage the said bonds are redeemable at 105 and that the trustee is required to accept the lowest prices at which such bonds are tendered.

It is further stated that Engineers Public Service Company owns 83.29% of the preferred stock and all of the common stock of The Western Public Service Company.

If and to the extent that the tenders of Engineers Public Service Company are accepted the proceeds thereof will be used for the purpose of purchasing and cancelling shares of preferred stock of The Western Public Service Company, in the manner hereafter stated.

(2) An application by said Engineers Public Service Company, pursuant to Section 12 (c) of said Act and Rule U-12C-1 (b) promulgated thereunder, for approval of the acquisition and retirement of not to exceed 7.000 shares of its own preferred stock outstanding in the hands of the public.

Engineers Public Service Company has presently outstanding 158,080 shares of \$5 dividend convertible preferred stock,

of \$6 cumulative dividend preferred stock. It is stated that the first of such series is redeemable at \$105 per share and accrued dividends and the other two series at \$110 per share and accrued dividends.

The application states that the purchase will be effected in either or both the following manners:

- (1) By way of tenders made pursuant to call by the proper officers of Engineers, such tenders to be presented to the Board of Directors for acceptance or rejection.
- (2) By purchase authorized by the President, any Vice President or the Treasurer from time to time on the New York Stock Exchange at not exceeding the then current market price.

The Directors of the Company have further directed that before any action is taken in accordance with said authorization a letter be sent to the holders of record of the Preferred Stock advising them of the proposed purchases by Engineers.

By the Commission.

[SEAL]

Francis P. Brassor, Secretary. \

[F. R.-Doc. 39-336; Filed, January 30, 1939; 11:17 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1939.

[File No. 43-179]

In the Matter of Massachusetts UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on February 15, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue. NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for 196,934 shares of \$5.50 cumulative divi- that purpose shall preside at the hear-

designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 10, 1939.

The matter concerned herewith is in regard to the issue by declarant, Massachusetts Utilities Associates, a subsidiary of New England Power Association. a registered holding company, of an unsecured note to be dated February 8. 1939 and payable February 8, 1942 in the face amount of \$4,000,000 bearing interest at the rate of 21/2% per annum payable monthly, which will be delivered to The First National Bank of Boston in payment of an existing note of the declarant held by said bank dated August 8, 1938 and payable August 8, 1940 in the face amount of \$4,000,000 bearing interest at the rate of 21/2% per annum payable monthly and evidencing a loan by said bank to the declarant of like amount.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-345; Filed, January 30, 1030; 12:44 p. m.]

SOCIAL SECURITY BOARD.

CERTIFICATION OF THE UNEMPLOYMENT COMPENSATION LAW OF THE STATE OF OREGON TO THE SECRETARY OF THE TREASURY

Pursuant to section 903 (a) of the Social Security Act, approved August 14, 1935, as amended, the Social Security Board has heretofore approved the unemployment compensation law of the State of Oregon.

In accordance with the provisions of section 903 (b) of said Act, the Social Security Board hereby certifies said State to the Secretary of the Treasury for the taxable year 1938.

[SEAL]

A. J. ALTMEYER, Chairman.

JANUARY 28, 1939.

[F. R. Doc. 39-328; Filed, January 28, 1939; 1:13 p. m.]